

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

WILLIAM GARDNER

Plaintiff,

v.

Civ. No. 24-268 KWR/SCY

DEPARTMENT OF ENERGY, and
SANDIA NATIONAL LABORATORIES,

Defendants.

ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDATION

This matter is before the Court on Magistrate Judge Steven C. Yarbrough's Proposed Findings And Recommended Disposition ("PFRD"). Doc. 20. In that PFRD, Judge Yarbrough recommends that the Court dismiss Defendant Department of Energy without prejudice for failure to properly serve that defendant under Fed. R. Civ. P. 4(m). *Id.* at 5. Judge Yarbrough notified the parties that they had 14 days from service of the PFRD to file any objections to the PFRD. *Id.* at 5. The parties have not filed any objections to the PFRD, thereby waiving their right to review of the proposed disposition. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Furthermore, upon review of the PFRD, the Court concurs with Judge Yarbrough's findings and recommendation.

IT IS THEREFORE ORDERED THAT:

1. The Court ADOPTS Judge Yarbrough's Proposed Findings and Recommended Disposition (Doc. 20); and
2. The Court dismisses without prejudice Defendant Department of Energy.

IT IS SO ORDERED.

/S/
KEA W. RIGGS
UNITED STATES DISTRICT JUDGE